

INITIAL STUDY

PROJECT FILE NO.: PDC03-098

PROJECT DESCRIPTION: Planned Development Rezoning from LI Light Industrial Zoning District to A(PD) Planned Development Zoning District and subsequent permits to allow up to 105 single-family detached residential units and a new public street 44 to 49 feet in width on a 13.06 gross acre site.

PROJECT LOCATION: UPRR right-of-way on the south side of E. William Street approximately 400 feet west of McLaughlin Avenue.

GENERAL PLAN DESIGNATION: Medium Density Residential (8-16 DU/AC)

SURROUNDING LAND USES: North: Single-family detached residential; South: Highway 280; West: Single-family detached residential; East (north to south): Commercial, industrial, McKinley School, Martin Park, Martin Park Landfill (closed), single-family detached residential, and multi-family detached residential

PROJECT APPLICANT'S NAME AND ADDRESS: Steve Bull, Manager Forward Planning, KB Home South Bay, Inc., 6700 Koll Center Parkway, Suite 200, Pleasanton, CA 94566, 925-750-1743.

DETERMINATION

On the basis of this initial study:

<input type="checkbox"/>	I find the proposed project could not have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
<input checked="" type="checkbox"/>	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the project proponent has agreed to revise the project to avoid any significant effect. A MITIGATED NEGATIVE DECLARATION will be prepared.
<input type="checkbox"/>	I find the proposed project could have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT(EIR) is required.
<input type="checkbox"/>	I find the proposed project could have a significant effect on the environment, but at least one effect has been (1) adequately analyzed in a previous document pursuant to applicable legal standards, and (2) addressed by mitigation measures based on the previous analysis as described in the attached initial study. An EIR is required that analyzes only the effects that were not adequately addressed in a previous document.
<input type="checkbox"/>	I find that although the proposed project could have a significant effect on the environment, no further environmental analysis is required because all potentially significant effects have been (1) adequately analyzed in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (2) avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are included in the project, and further analysis is not required.

October 6, 2004

Date

Signature

Name of Preparer: Ron Eddow

Phone No.: (408) 277-8558

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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I. AESTHETICS - Would the project:

a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
b) Substantially damage scenic resources, including, but not limited to, trees, rock out-croppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
e) Increase the amount of shade in public and private open space on adjacent sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2

FINDINGS: The subject site is a former rail yard approximately 3,100 feet long, and approximately 230 feet wide. An existing railroad line traverses the length of the site. Surrounding land uses consist of single-family detached residential to the north; Highway 280 to the south; single-family detached residential to the west; and to the east (from north to south): Commercial, industrial, McKinley School, Martin Park, Martin Park Landfill (closed), single-family detached residential, and multi-family detached residential

The proposed project (1) would not adversely affect views from the existing residences on S. 21st Street to the east, or (2) increase the amount of shade in private open space because an existing soundwall eight to ten feet in height is located along the rear property line of the residences. In addition, the proposed project would have a perimeter rear setback of 20 feet in conformance with the Residential Design Guidelines.

The proposed project would not degrade the existing visual character of the site or create a new source of substantial light or glare in that the project would be required to undergo architectural and site design review before construction to ensure compatibility with the surrounding neighborhood.

MITIGATION MEASURES: None required.

II. AGRICULTURE RESOURCES - Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,4
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,4
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,4

FINDINGS: The project site is not located in an area identified as prime farmland, nor is the site being used or zoned for agricultural use. **MITIGATION MEASURES:** None required.

III. AIR QUALITY - Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,14
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,14
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,14
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,14

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e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,14
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FINDINGS: The City of San Jose uses the threshold of significance established by the Bay Area Air Quality Management District (BAAQMD) to assess air quality impacts. Based on the BAAQMD threshold of significance, projects that generate fewer than 2,000 vehicle trips per day are not considered major air pollutant contributors and do not require a technical air quality study. A typical residential unit generates about 10 trips per day. As this project will generate approximately 1,050 vehicle trips per day based on 105 units, no air quality study was prepared for this project.

Temporary Air Quality impacts may result from excavation of contaminated soil and other construction activities on the subject site. Implementation of the mitigation measures listed below will reduce the temporary construction impacts to a less than significant level.

MITIGATION MEASURES: The developer shall implement the following construction practices during all phases of excavation and construction for the proposed project.

1. Water all active construction areas at least twice daily or as often as needed to control dust emissions.
2. Cover all trucks hauling soil, sand, and other loose materials and ensure that all trucks hauling such materials maintain at least two feet of freeboard.
3. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all excavation areas, unpaved access roads, parking areas and staging areas at construction sites.
4. Sweep daily or as often as needed with water sweepers all paved access roads, parking areas and staging areas at construction sites to control dust.
5. Sweep public streets daily, or as often as needed, with water sweepers, to keep streets free of visible soil material.
6. Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
7. Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.) sufficient to prevent visible airborne dust.
8. Limit traffic speeds on unpaved roads to 15 mph.
9. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
10. Replant vegetation in disturbed areas as quickly as possible.

BIOLOGICAL RESOURCES - Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,10
b) Have a substantial adverse effect on any aquatic, wetland, or riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,6,10
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act including, but not limited to, marsh, vernal pool, coastal, etc., through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,6
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,10
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,11, 26

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f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2

FINDINGS: The project site is a former railyard containing a railroad track, lead ballast, and sparse ruderal vegetation. The project site does not contain wetlands, riparian habitat, or any other sensitive habitat. No special status species of flora or fauna are known to inhabit the site. A tree survey entitled, East William Street (PDC03-098) Tree Survey Exhibit by HMM Engineers for KB Home, is contained in the technical appendices. The proposed development will result in the removal of 35 trees of which four are ordinance-sized trees. The City of San José has established regulations for removal of trees at least 56 inches in circumference measured two feet above grade. The proposed project will obtain a permit for the removal of the ordinance-sized trees and provide for the replacement of removed trees in conformance with the City of San José Tree Ordinance as follows:

All non-orchard trees that are to be removed shall be replaced at the following ratios:

- Each tree less than 12" in diameter to be removed = one 15 gallon tree
- Each tree 12" to 18" diameter to be removed = two 24" box trees
- Trees greater than 18" diameter shall not be removed unless a Tree Removal Permit has been approved for the removal of such trees. Each tree greater than 18" diameter to be removed = four 24" box trees

MITIGATION MEASURES: None required

IV. CULTURAL RESOURCES - Would the project:

a) Cause a substantial adverse change in the significance of an historical resource as defined in CEQA Guidelines §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,7, 25
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,8, 25
c) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,8, 25
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,8, 25

FINDINGS: Basin Research Associates prepared an Archaeological Evaluation Report for the subject site in May 2004. The report is contained in the technical appendices. The report concludes no prehistoric or historic era sites or reported cultural resources have been recorded within or adjacent to the project area. No prehistoric sites, Native American ethnographic villages, traditional use areas or contemporary use areas have been identified in or adjacent to the proposed project. No Hispanic Period adobe dwellings or other structures have been identified in or adjacent to the proposed project. No American era archaeological sites have been identified in or adjacent to the proposed project. No local, state, or federal historically or architecturally significant structures, landmarks or points of interest have been identified in or adjacent to the proposed project. No evidence of prehistoric cultural resources or significant historic era archaeological resources were observed with the project site.

As required by County ordinance, this project has incorporated the following guidelines: Pursuant to Section 7050.5 of the Health and Safety Code, and Section 5097.94 of the Public Resources Code of the State of California in the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the land owner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.

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MITIGATION MEASURES: None required

V. GEOLOGY AND SOILS - Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
1) Rupture of a known earthquake fault, as described on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,5,24
2) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,5,24
3) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,5,24
4) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,5,24
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,5,24
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,5,24
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,5,24
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,5,24

FINDINGS: Due to its location within a seismically active region, the project site would likely be subject to at least one moderate to major earthquake that could affect the project after construction. The site would be subject to strong ground shaking in the event of a major earthquake on one of the region's active faults. Because the potential for liquefaction on the site is considered high, liquefaction and differential settlement could occur on the site during an earthquake. The proposed structures on the site would be designed and constructed in conformance with the Uniform Building Code Guidelines for Seismic Zone 4 to avoid or minimize potential damage from seismic shaking on the site. Conformance with standard Uniform Building Code Guidelines would minimize potential impacts from seismic shaking on the site. Therefore, this impact is considered less than significant. The site is not subject to landslides because it is generally flat.

Prior to issuance of a Public Works Clearance, the developer must obtain a grading permit before commencement of excavation and construction. Implementation of standard grading and best management practices would prevent substantial erosion and siltation during development of the site. The Project site is within the State of California Seismic Hazard Zone. A soil investigation report addressing the potential hazard of liquefaction must be submitted to, reviewed and approved by the City Geologist prior to issuance of a grading permit or Public Works Clearance. The investigation should be consistent with the guidelines published by the State of California (CDMG Special Publication 117) and the Southern California Earthquake Center ("SCEC" report). A recommended depth of 50 feet should be explored and evaluated in the investigation.

MITIGATION MEASURES: None required

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VI. HAZARDS AND HAZARDOUS MATERIALS - Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 28, 29
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 28, 29
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 28, 29
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,12
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
g) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

FINDINGS: Lowney Associates prepared a Phase I Environmental Site Assessment and Soil and Groundwater Quality Evaluation for the subject site in June, 2003. TRC Company prepared a Draft Remedial Action Workplan for the subject site in October, 2004. Both reports are contained in the Technical Appendices.

Setting

The subject is the former William Street railyard. A railroad track traverses the site from north to south. The Martin Park landfill is located southeast of the subject site. The Story Road landfill is located to the south adjacent to Highway 280.

Phase I Environmental Site Assessment

The Phase I report documents recognized environmental conditions at the site related to the current and historic use of hazardous substances and petroleum products. The term "recognized environmental conditions" means the presence or likely presence of hazardous substances or petroleum products on the property under conditions that indicate a significant release or significant threat of a release into the ground, groundwater, or surface water. The report was performed in general accordance with the American Society of Testing and Materials (ASTM) Designation E 1527-00.

The report concluded no chlorinated volatile organic compounds (VOCs) or other similar compounds were detected in any of the groundwater samples. Methane was detected at concentrations ranging up to 2.2% total volume in temporary gas probes SB-4 and SB-5 located adjacent to the Martin Park landfill (see Figure 2 in report). Laboratory analysis of the samples collected from borings SB-6, SB-7, and SB-8 did not detect methane above laboratory detection limits. The field methane measurements taken from the five temporary gas probes appeared to coincide with these laboratory results. Boring SB-6 was located in the southwest corner of the landfill, and borings SB-7 and SB-8 were located south of the landfill. Thus, it appears that methane gas has migrated onto the subject site from the Martin Park landfill. Methane gas is flammable and explosive if sufficient concentrations accumulate. The report recommends mitigation to prevent gas accumulation on the site such as a methane barrier on the property line, or engineering design measure beneath the proposed structures such as a permeable gravel layer and vapor barrier with passive or active venting.

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A portion of the subject site east of the tracks was previously used for agriculture. Shallow soil sampling detected relatively low concentrations of total dichloro-diphenyl-trichloroethane (DDT) up to 0.488 ppm in the nine near-surface soil samples collected. The concentrations do not exceed the residential risk-based screening level (RBSL) or preliminary remediation goal (PRG) of 1.7 ppm, or the hazardous waste criteria of 1.0 pp. Other pesticides also were detected in several of the samples. The beta-BHC and Endosulfan II concentrations detected do not exceed their respective PRG or RBSL values. The concentration of Endrin detected in sample SS-13 of 0.0071 ppm exceeds the residential RBSL of 0.0006 ppm. The concentrations of Dieldrin detected in sample SS-15 of 0.0098 ppm and sample SS-16 of 0.015 ppm also exceed the residential RBSL of 0.002 ppm. The report states pesticide levels degrade over time when topsoil is mixed. The concentrations of pesticides detected do not appear to be a significant threat to human health or the environment because they do not exceed the human health-risk-based residential PRG of 18 ppm for Eldrin, and 0.03 ppm for Dieldrin. The report recommends the results be discussed with the Regional Water Quality Control Board to confirm whether further work will be required.

Based on the agricultural history of the site, metals such as lead, arsenic, mercury, and cadmium present in the soil appear to be the result of metal-containing pesticides that were previously used on the site. Lead concentrations did not exceed either the residential PRG of 400 ppm or the RBSL of 200 ppm. However, lead levels were detected above typical background levels. The report recommends applying the results of the California Department of Toxic Substances Control (DTSC) lead risk assessment worksheet. The mean concentration of arsenic detected of 19.4 ppm, and the 95 percent UCL of 30.4 ppm also exceed typical background concentrations for Santa Clara County of 10 ppm, and the residential PRGs and RBSLs of 0.39 ppm. The report recommends mitigation to the satisfaction of the oversight agency. The concentrations of mercury and cadmium detected are consistent with typical background concentrations of less than 1 ppm, and none of the concentration detected exceeds their respective PRG or RBSL.

Five soil samples were collected to evaluate possible impacts to shallow soil quality near the existing rail line. The mean concentrations of arsenic and lead detected, 301 and 670 ppm, respectively, and the 95 percent upper confidence level, 634 and 1,519 ppm, respectively, exceed typical background concentrations and their respective PRGs and RBSLs. TPHd and TPHmo were detected in samples at low concentrations up to 290 ppm with the exception of 620 ppm of TPHmo in sample SS-4 that exceeds the residential RBSL of 500 ppm. Five samples of PCBs in samples SS-1 and SS-4 exceed both PRG and RBSL. Laboratory analysis of five samples detected various PAH constituents at concentrations that exceed either the respective PRG or RBSL values in all of the samples. The PRGs were exceeded in samples SS-2, SS-4 and SS-8. Based on the analytical results of the shallow soil samples, arsenic, lead, PAH, and PCBs were identified at concentrations that exceed EPA residential PRGs. In addition, arsenic and lead concentrations in the northern portion of the site appear likely to exceed hazardous concentrations particularly if soluble testing of these soils is performed.

Elevated concentrations of PAHs were detected in ballast samples nos. 1 through 3 that exceeded both the residential PRGs and RBSLs. In addition, the concentration of copper detected in sample ballast 3 of 2,900 ppm exceeds the California hazardous waste limit. The report recommends appropriate excavation and appropriate site disposal of the railroad ballast material.

The report recommends the developer prepare a human health risk assessment to demonstrate that the proposed mitigation would provide sufficient protection to the health of the occupants from residual contaminants present in on-site soil. The risk assessment would also establish appropriate cleanup goals that would be contained in a remedial action workplan. The remedial action workplan must be submitted to, and approved by the overseeing regulatory agency. Prior to site remediation and development, a site health and safety plan must be prepared that documents appropriate construction protocol for persons working in soil containing residual contaminants.

Remedial Action Workplan

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The Draft Remedial Action Workplan addresses a portion of the Union Pacific Railroad (UPRR) Former Williams Street Yard in San Jose, California (Site). (Figure 1). The Site is intended for future residential development following remedial activities presented in the Workplan. Remedial activities include soil remediation and installation of a passive vapor barrier.

Events to be completed associated with remedial activities include (in order of completion):

- Investigation of west side of the tracks,
- Health Risk Assessment,
- Submittal of finalized Workplan,
- Implementation of remedial activities (as described in this Workplan), and
- Submittal of Remedial Action Report.

Due to the adjoining Martin Park Landfill (<1,000 feet) to the Site, an application with the Local Enforcement Agency (LEA) for a Closure/Post-Closure Development Review will be filed prior to residential development. The application will demonstrate compliance with applicable regulatory requirements contained within California Code of Regulations (CCR) Title 27 for development on or within 1,000 feet of a disposal site. In accordance with the City of San Jose recommendations, this Workplan is not applicable in the absence of the proposed development plan.

1.1 Site Description and Characteristics

Topography

Based on U.S. Geological Survey (USGS) topographic maps, the Site elevation is approximately 100 feet above mean sea level. Topography in the vicinity of the site is essentially flat with a gentle slope to the northwest toward the San Francisco Bay.

Geology

The upper 1 to 2 feet of soil at the Site consists of an artificial fill of gravel with clay and sands. Beneath this, is a sequence of interbedded sands, silts and clays ranging from 1 to 4 feet in thickness. In some borings, gravel lenses of up to 3 feet thick were observed (Lowney, 2002). This interbedded sequence of sand, silt, clay and gravel extends at least 30 feet below grade (fbg), the maximum depth explored during soil boring activities.

Hydrogeology

Groundwater encountered during previous investigations ranges from approximately 19 to 23 fbg. Ground water beneath the site likely flows northwest toward Coyote Creek and the San Francisco Bay.

1.2 Previous Investigations

Sampling locations from previous investigations are illustrated in Figure 2.

June 2002: A Phase I Environmental Site Assessment and Soil and Groundwater Quality Evaluation report was prepared by Lowney Associates (Lowney report). This report identified areas of potential concern and documented a limited Phase II investigation that was performed to address those concerns. Soil analytical results from the Phase II are presented in Tables 1 through 3. Soil vapor analysis results are presented in Table 4 combined with the results from soil vapor analysis conducted by TRC in 2003.

Soil

The Lowney investigation results indicated that areas along the railroad track are potentially impacted with heavy metals and total petroleum hydrocarbons (TPH) that would require excavation prior to Site redevelopment (Table 1 and 2). Surface soils to the east of the track have residual pesticides, but not at concentrations that exceed residential standards (Table 2). Additional uncertainties related to the potential for groundwater impacts from possible onsite and offsite sources were identified in this report.

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Groundwater

Groundwater grab samples were collected from five borings and analyzed for volatile organic compounds (VOCs). VOCs were not detected in any of the groundwater samples above laboratory detection limits with the exception of toluene at 0.50 parts per billion (ppb) in sample SB-8.

Soil Vapor

Soil vapor samples were collected due to the location of Martin Park Landfill east of the Site. Methane was detected in two of five samples, at approximately 9 fbg, at 2.2 parts per million by volume (ppmV) and 0.82 ppmV (SB-4 and SB-5, respectively).

February 2003: A geophysical survey was conducted by NorCal Geophysical Consultants, Inc. (NorCal) under the direction of a TRC geologist. The survey was conducted on the northeastern portion of the Site. No evidence of underground storage tanks or other anomalies that could potentially be a source of groundwater impact was noted.

Soil Vapor

Soil vapor samples were collected for potential methane migration from the adjacent Martin Park landfill. Previous studies conducted by the City of San Jose for methane migration from the former **Martin Park** landfill **indicated** no migration has occurred. Vapor samples collected in February 2003 were analyzed by Transglobal Environmental Geochemistry (TEG) under the oversight of TRC. No methane was detected in five of the six samples collected (Table 4). Methane was detected at 17 ppmV in SV-1 at 7 fbg. These detectable levels of methane are slightly above the method-reporting limit (10 ppmV) and do not indicate the presence of migrating methane gas. **Levels of concern for migrating methane gas are in the range of 5,000 ppmV.**

March 2003:

Groundwater

Four groundwater samples were collected from the north area of the Site using a Geoprobe direct push rig. Groundwater was encountered at 20-22 fbg and analyzed for total petroleum hydrocarbons as gasoline (TPH-G), total petroleum hydrocarbons as diesel (TPH-D), VOCs and metals. Four groundwater samples were collected from the south area of the Site and analyzed for TPH-G, TPH-D, and metals. Results of the groundwater investigation are included in Table 5. TPH-G was not detected in any of the eight groundwater samples collected. TPH-D was detected at 240 and 530 micrograms per liter (ug/L) in groundwater samples GS-7 and GS-8, respectively. These sampling locations were located downgradient of the former Martin Park Landfill and could be result of migration from the landfill. Currently there are not **maximum contaminant levels (MCLs) specified by the Environmental Protection Agency (EPA)** for TPH-D. Various metals were detected at levels significantly below MCLs in each of the groundwater samples. Select samples detected arsenic and/or thallium slightly above MCLs.

Soil

Soil samples also were collected using a Geoprobe direct push rig under the direction and oversight of a TRC geologist. Soil samples were collected at 24 locations (along the east side of the railroad tracks) at various distances from the main set of railroad tracks. Soil samples were analyzed for TPH-D, TPH-MO, and metals. TPH-MO was detected in 13 of 29 surface soil samples ranging from 46 to 16,000 milligrams per kilogram (mg/kg). TPH-D was detected in each of 5 surface soil samples ranging from 1.8 to 55 mg/kg. Arsenic and lead, generally considered contaminants of concern associated with railroad tracks, were detected in 28 of 29 surface samples. With the exception of one sample (SB-39 at 740 mg/kg) remaining arsenic levels were below the state hazardous waste standard. Arsenic levels were however, above the EPA Region 9 **Preliminary Remediation Goal (PRG)** of 0.39 mg/kg and above the regional average concentration for naturally occurring arsenic. Soluble arsenic levels (**soluble threshold limit concentration {STLC}**), exceeded the state regulatory standards for hazardous wastes upon excavation. None of the arsenic samples exceed the threshold value for

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toxicity characteristics leaching procedure (TCLP) analysis, therefore the soil is not considered a RCRA waste. Lead levels were above the California modified EPA Region 9 PRG of 150 mg/kg, used for residential standard. None of the lead samples exceeded the threshold value for TCLP analysis, but do exceed the STLC state hazardous waste standard of 5 ug/L upon excavation. Arsenic and lead were mostly detected in surface soil samples. However in areas along the main track, certain samples as deep as 5 fbg contained arsenic in excess of the residential standards at naturally occurring concentrations. These samples include SB-22 at 100 mg/kg at 5 fbg, SB-23 at 45 mg/kg at 5 fbg, and SB-38 at 150 mg/kg at 5 fbg. In two additional samples, (SS-1 at 3 fbg and SS-4 at 3 fbg) arsenic was present at 200 and 260 mg/kg respectively. Deeper samples were not collected in these areas.

2.0 DEVELOPMENT OF SOIL CLEANUP GOALS

Based on the previous investigations, Site soils are impacted with metals (including arsenic and lead) and petroleum hydrocarbons from railroad construction and activity. Elevated levels of **polycyclic aromatic hydrocarbons** (PAHs) and **polychlorinated biphenyls** (PCBs) also were detected in selected soil samples. The Site also appears to have residual pesticides from past agricultural use. The preliminary remediation goals (PRGs) presented in Table 6 are risk-based concentrations developed by EPA Region 9. PRGs are used for use as screening concentrations in determining if further evaluation is warranted, in prioritizing areas of concern, in establishing initial cleanup goals, and in estimation of potential health risks. The PRGs are chemical concentrations that correspond to fixed concentrations of risk. These concentrations are based on common exposure pathways, but effects of exposure to multiple contaminants and other site specific conditions are not considered. Thus, they are not intended as a substitute for a site-specific health risk assessment. Chemical concentrations above the PRGs would not automatically designate the site as a health threat or trigger a response action. Exceeding a PRG, however, may suggest that further evaluation of potential risks is appropriate. This further evaluation may include additional sampling and the reassessment of the assumptions and routes of exposure that were used to develop the non-site specific PRGs. In some cases, natural background concentrations are higher than the PRGs (i.e. arsenic) and an adjustment is necessary. Soil cleanup goals presented in the Workplan are estimated for the purposes of CEQA analysis. Prior to remedial activities, final cleanup goals will be approved by the regulatory agency. Cleanup goals have been prepared for the Site based on EPA Region 9 PRGs, hazardous waste criteria, and accepted background levels.

Arsenic

Naturally occurring arsenic in Bay Area soil is frequently higher than the risk-based PRG. Background concentrations in the local area have been accepted by regulatory agencies at 20 ppm for arsenic. The preliminary cleanup goal for arsenic is 20 mg/kg.

Lead

The preliminary site-specific cleanup goal for lead has been established based on an empirical relation between total lead levels in soil and hazardous waste criteria established for the soluble lead fraction (STLC). The soluble fraction was determined by leachability test (waste extraction test {WET}). With this test, if levels of soluble lead are detected above the STLC limit for lead (5 mg/L), the material may be considered a hazardous waste if excavated and disposed. Based on the selected soil samples analyzed for STLC, soil samples with total lead concentrations greater than 150 mg/kg may contain soluble lead in excess of the STLC limit. In addition, the California modified PRG for lead is 150 mg/kg. The preliminary cleanup goal for lead will be consistent with California modified PRG of 150 mg/kg.

Hydrocarbons

Although PRGs have not been established for hydrocarbons, a preliminary cleanup goal of 1,000 mg/kg is proposed based on industry acceptance for hydrocarbons as diesel and motor oil. Other Contaminants of Concern Preliminary cleanup goals for other metals, PAHs, and PCBs (identified in only a few locations) will

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be consistent with EPA Region 9 PRGs. Pesticides were not detected above PRGs and are not considered a contaminant of concern.

2.1 Health Risk Assessment

A human health and environmental risk assessment will be completed by TRC prior to submittal of the final Workplan and implementation of remedial activities. The risk assessment will include exposure evaluation, toxicity evaluation, risk quantification, and refine preliminary development of Site-specific cleanup goals. Remedial activities will not begin without complete review and approval of the risk assessment by the oversight agency, the City of San Jose Local Enforcement Agency (LEA).

3.0 PROPOSED SOIL REMEDIATION ACTIVITIES

Soil removal will follow the excavation plan illustrated in Figure 2. Excavation target depths of 1 fbg, 3 fbg, and 5 fbg will be used. It should be noted that further investigation on the west side of the tracks is pending and excavation limits may be revised prior to the submittal of the final Workplan. Based on past Site investigations and historical Site use, it is the professional opinion of TRC that contaminants of concern on the west side of the track will be of similar order of magnitude as the east side of the tracks. Investigation on the west side of the tracks will be completed by December 2004 and the final Workplan will subsequently be submitted. The remedial activities for soil consist of excavating the impacted materials exceeding site remedial goals (as accepted by regulatory oversight) and transporting to an appropriately permitted off-Site facility (i.e., Class I or Class II landfill). The purpose of this remediation is to render the Site safe for residential use for future residential development, based on the development plan. The following is a description of the implementation plan for excavation and off-site disposal of the contaminated soil. As stated earlier, investigation west of the tracks is not yet complete and remediation in this area is estimated based on east side investigation results. Pending agency negotiation and approval, some impacted soil may remain onsite and reused for non-residential use having non-residential impacts (i.e., roadway base). It is estimated that approximately 2,200 truckloads (based on 10 cubic yards per truck) will be required to remove excavated soil. However, if feasible, some soils may be transported offsite by rail directly from the Site to an appropriate out-of-state waste disposal facility.

Soil excavation and loading procedures will be conducted so that nuisance dust is minimized. In the event of dust migration, dust abatement using water spray will be initiated to prevent off-site migration. After excavation, confirmation samples of the in-place soil in the sidewalls and at the base of the excavations will be collected to verify that soil exceeding cleanup goals has been removed. A detailed confirmation sampling plan will be included in the final Workplan specifying the quantity and approximate locations of the samples. If confirmation samples result in levels above cleanup goals, additional remediation will be completed followed by additional confirmation samples until the cleanup goals are met. Following soil removal, further mitigation measures will not be necessary.

3.1 Transportation Procedures and Routes

A haul route permit is required from the Director of Public Works because the project proposes to haul more than 10,000 cubic yards of cut/fill to or from the project site. The trucks will be loaded at the Site and appropriately covered using tarps or equivalent covers to minimize emissions to the atmosphere. In the event a tarp rips or comes loose, the truck will be stopped and the tarp repaired or replaced. If the tarp is not repairable, the truck will not be moved until a new tarp can be obtained and placed on the truck. Only then will the truck be permitted to continue to the disposal facility. In addition, local streets will be regularly damp swept along the nearby transportation route. Gravel will be placed at Site entrance/exit locations to reduce soil deposits on local streets. Loaded trucks will leave the Site from the support/staging areas and exit the Site at Williams Street heading east, turn right onto McLaughlin, turn left onto Story road eastbound, then turn left onto King Road northbound and access Highway 680 north. Highway routes are provided for transportation of Class I soil from the Site to the Chemical Waste Management Landfill in Kettleman City, California and to the Altamont Landfill

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Class II facility in Livermore, California. None of the roadways selected is listed with the California Highway Patrol as prohibited for hauling hazardous waste.

Description of highway routes:

- The route for hauling hazardous waste from Santa Clara/San Jose to Chemical Waste Management in Kettleman City, CA follows I-680 north, which connects to I-580 east. Follow I-580 east to I-5 south and proceed to State Highway 41 west. The route to Altamont Landfill in Livermore, CA follows I-680 north, which connects to I-580 east. Follow I-580 to Altamont Pass Road, along which the landfill is located. Transportation procedures and routes will have no impacts with respect to CEQA checklist items VII a, b regarding hazards to the public or environment through transportation or conditions involving the release of hazardous materials **because all truckloads of soil leaving the Site will have covered loads**. The project may require handling (transporting) of hazardous waste within one-quarter mile of McKinley School on Macrades Avenue. **Impacts to the school will be avoid by implementation of dust control measures contained in Section III, Air Quality, of this initial study.** To minimize traffic impacts, near the school, truck traffic will be reduced shortly before school starts in the morning and after school in the early afternoon. If feasible, some soils may be transported by rail directly from the Site to an appropriate out-of-state waste disposal facility. Further details regarding railroad transportation will be included in the final report.

3.2 Backfill and Import Fill Sampling

The excavation will be backfilled with imported fill material not previously associated with possible contamination use and of uniform nature. Local sources of the imported fill will be identified in the finalized Workplan. **A review of the site source of borrow material will be conducted. Applicable environmental reports and historical site uses will be evaluated. A site visit will be conducted to verify soil material is suitable for use.** It is estimated that approximately 2,200 truckloads of import soil (based on approximately 10 cubic yards per truck) will be required to backfill the excavation to previous conditions. Prior to placement, twelve samples for the first 15,000 cubic yards and one sample per each additional 1,000 cubic yards will be collected and analyzed (DTSC, 2001). The backfill material will analyzed for CAM 17 metals, total petroleum hydrocarbons, pesticides, VOCs, SVOCs, and PCBs to confirm suitability. Backfill analytical results will be reviewed and approved by TRC prior to use. The placement of backfill will be conducted according to the following requirements (in accordance with ASTM D1556):

- Dewater the excavation, as necessary.
- Place backfill materials in loose lifts no more than approximately 12 inches thick, unless otherwise indicated.
- Moisten each lift, as necessary, before compacting. Uniformly apply water to surface, subgrade, or lift of backfill material to prevent free water from appearing on the surface during or after compaction.
- Compact each 12-inch lift to the extent possible either by a vibratory plate attached to a backhoe or by other mechanical means. Roll over each lift three times, at least.
- Test compaction of each lift (minimum 90% compaction) before placing the next lift.

4.0 PASSIVE VAPOR BARRIER INSTALLATION

Due to detectable levels of methane in selected soil vapor samples, a passive vapor barrier will be installed to prevent migration of landfill gasses from the former Martin Park Landfill. Approximately 750 feet of the vapor barrier will be installed in two sections on the east side of the tracks in the southern portion of the site. The vapor barrier will consist of perforated pipe within a gravel trench approximately 10 feet below grade, based on findings of detectable levels of methane. Venting pipes will be located along the perforated pipe at approximately 25-foot intervals. The venting pipes will be open to the atmosphere and extend above grade conforming to future landscape (i.e., light posts, structures). The methane barrier and passive venting system will be designed by a state registered professional engineer for approval by the **City of San Jose LEA**. The system will be inspected and maintained regularly to confirm proper operation. Landfill gas monitoring along the eastern Site boundary near the landfill will be conducted as necessary and according to the **LEA**

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requirements. Details about the location, design, **and operation** of the monitoring system will be included in the final Workplan.

The subject site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. It is not located within two miles of an airport, or in the vicinity of a private airstrip. The proposed public street is a cul-de-sac with pedestrian and emergency vehicle access to Woodborough Place and Forestdale Avenue. No wildlands are located in the vicinity of the subject site because area is fully urbanized.

MITIGATION MEASURES:

Prior to the issuance of a Planned Development Permit, the applicant shall submit a Final Remedial Action Workplan for the subject site including (1) a soil and groundwater investigation of west side of the tracks, and (2) a Health Risk Assessment to the satisfaction of the Director of Planning, Building and Code Enforcement.

VII. HYDROLOGY AND WATER QUALITY - Would the project:

a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,15
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
c) Substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on-or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 19
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on-or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 19
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,17, 19
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1, 19
g) Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,9, 19
h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,9, 19
i) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1, 19
j) Be subject to inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

FINDINGS: The proposed project will not violate water quality standards or waste discharge requirements because it will connect to the San Jose/Santa Clara Wastewater Treatment Facility. It will not deplete groundwater supplies because it will have municipal water service. The subject site is not a prime groundwater recharge area. The proposed project will not alter existing drainage patterns because it will connect to the municipal storm drain system.

The proposed project will not degrade water quality during construction because it involves a land disturbance of one or more acres, and the applicant is required to submit a Notice of Intent to the State Water Resources Control Board and to prepare a Storm Water Pollution Prevention Plan (SWPPP) for controlling storm water discharges associated with

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construction activity. Copies of these documents must be submitted to the City Project Engineer prior to issuance of a grading permit. The project will not degrade post construction water quality because it will incorporate best management practices (BMPs) such as bioswales, disconnected downspouts, landscaping to reduce impervious surface area, and inlets stenciled, “No dumping – Flows to Bay” to the satisfaction of the Director of Planning, Building and Code Enforcement.

The subject site is not located within the 100-year flood hazard area. It is located in Flood Zone AH, Elevation 93.00' National Geodetic Vertical Datum (NGVD) 1929. The project would not expose people or structures to flooding because it must (1) elevate the lowest floor to 93.00' 1929 NGVD, (2) obtain an Elevation Certificate (FEMA Form 81-31) for each proposed structure, based on construction drawings, prior to issuance of a building permit. Consequently, an Elevation Certificate based on finished construction is required for each built structure prior to issuance of an occupancy permit. Building support utility systems such as HVAC, electrical, plumbing, air conditioning equipment, including ductwork, and other service facilities must be elevated above the base flood elevation or otherwise protected from flood damage.

MITIGATION MEASURES:

- Prior to the issuance of a grading permit, the applicant must submit a Notice of Intent to the State Water Resources Control Board and prepare a Storm Water Pollution Prevention Plan (SWPPP) for controlling storm water discharges associated with construction activity to the satisfaction of the Director of Public Works.
- Prior to the issuance of a Planned Development Permit, the applicant must provide details of specific best management practices (BMPs) including, but not limited to, bioswales, disconnected downspouts, landscaping to reduce impervious surface area, and inlets stenciled, “No dumping – Flows to Bay” to the satisfaction of the Director of Planning, Building and Code Enforcement.

VIII. LAND USE AND PLANNING - Would the project:

a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2

FINDINGS: The proposed project has a net density of 11.36 DU/AC which is consistent with the General Plan Land Use/Transportation Diagram designation of Medium Density Residential (8-16 DU/AC). The transportation of hazardous waste from the subject site to hazardous waste facilities shall follow direct routes and interstate freeways to avoid impacts to surrounding land uses in conformance with the General Plan.

MITIGATION MEASURES: None required.

IX. MINERAL RESOURCES - Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,23
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,23

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FINDINGS: The project would not result in a significant impact from the loss of availability of a known mineral resource because the project site is located within a developed urban area.

MITIGATION MEASURES: None required

X. NOISE - Would the project result in:

a) Exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1,2,13,18 27
b) Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

FINDINGS:

Charles M. Salter Associates prepared a Site Environmental Noise Study for the subject site on April 20, 2004. Noise study is contained in the technical appendices. The San Jose 2020 General Plan states that the City's acceptable exterior noise level is 55 dBA long term, and 60 dBA short term. The acceptable interior noise level is 45 dBA. The plan recognizes that the noise levels may not be achieved in the Downtown, and in the vicinity of major roadways and the Mineta San Jose International Airport. Based on measurements of existing noise levels, the exterior noise level at the site varies from 62 dBA near East William Street to 71 dBA near Highway 280 in the south.

The report concludes Sound Transmission Class (STC) rated dual-pane windows could achieve an interior noise level of 45 dBA with windows closed. An acoustical consultant should review unit plans at the Planned Development (PD) Permit stage to confirm that the exterior assemblies will provide sufficient attenuation to meet the 45 dBA interior noise level. In addition, mechanical ventilation of individual units must be provided to allow windows to remain closed so that they will attenuate exterior noise levels. Exterior noise levels would not meet the long-term exterior noise level of 60 dBA because Highway 280 is elevated adjacent to the site. As stated above, the General Plan recognizes exterior noise levels may not be achievable in the vicinity of major roadways.

Noise from the construction of the proposed project could potentially pose a significant impact to the surrounding residential properties. To limit the construction noise impacts on nearby properties, various mitigation measures have been incorporated into the proposal.

MITIGATION MEASURES:

- Prior to issuance of building permits, the developer shall retain a qualified acoustical consultant to check the building plans for all units will to ensure that interior noise levels can be sufficiently attenuated to 45 dBA to the satisfaction of the Director of Planning, Building and Code Enforcement.

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- All units shall have forced-air ventilation systems to allow the windows to remain closed so that an interior noise level of 45dBA can be achieved.
- Construction activities shall be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any on-site or off-site work within 500 feet of any residential unit.
- The contractor shall use “new technology” power construction equipment with state-of-the-art noise shielding and muffling devices. All internal combustion engines used on the project site shall be equipped with adequate mufflers and shall be in good mechanical condition to minimize noise created by faulty or poor maintained engines or other components.
- Staging areas shall be located a minimum of 200 feet from noise sensitive receptors, such as residential uses.

XI. POPULATION AND HOUSING - Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1

FINDINGS: The proposed project would not induce substantial population growth because it has a net density of 11.36 DU/AC which is consistent with the General Plan Land Use/Transportation Diagram designation of Medium Density Residential (8-16 DU/AC).

MITIGATION MEASURES: None required.

XII. PUBLIC SERVICES - Would the project:

a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2
Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2

FINDINGS:

The project site is located within the City of San Jose Urban Service Area which is well served by existing Fire, Police, School, Park and other Public Facilities. The site is served by Fire Stations No. 8 at 802 E. Santa Clara Street within a 5-minute response time. No additional Fire or Police personnel or equipment are necessary to serve the proposed project.

MITIGATION MEASURES: None required.

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XIII. RECREATION

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2

FINDINGS: The City of San José has adopted the Parkland Dedication Ordinance (PDO) (Chapter 19.38) and Park Impact Ordinance (PIO) requiring residential developers to dedicate public parkland or pay in-lieu fees, or both, to offset the demand for neighborhood parkland created by their housing developments. Each new residential project is required to conform to the PDO and PIO. The acreage of parkland required is based upon the Acreage Dedication Formula outlined in the Parkland Dedication Ordinance.

MITIGATION MEASURES: None required.

XIV. TRANSPORTATION / TRAFFIC - Would the project:

a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio of roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,19, 31
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,19, 31
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,19
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,19
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,20
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,18
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,18

FINDINGS: Hexagon Transportation Consultants, Inc. prepared a transportation impact analysis (TIA) for the proposed project in October, 2004. The TIA is contained in the technical appendices. The proposed project would generate 1,346 daily vehicle trips, with 135 trips occurring during both the AM and PM peak hours. Using the inbound/outbound splits recommended by the City, the project would produce 88 inbound and 47 outbound trips during the PM peak hour.

Level of service calculation were conducted using TRAFFIX software program which is the method approved by the City of San Jose and the Valley Transportation Authority (VTA) Congestion Management Program (CMP) for San Jose. The TIA analyzed 8 signalized intersections in the vicinity of the subject site. Using City of San Jose and CMP methodology, the TIA found none of the signalized study intersections would be significantly affected by the project.

The project would not substantially increase hazards due to a design feature, result in inadequate emergency access, or result in inadequate parking capacity in that the Department of Public Works has not expressed concerns with the proposed intersection at E. William Street and S. 22nd Street. In addition, the proposed project would provide two parking covered spaces per unit, and at least one on-street guest parking space per unit.

MITIGATION MEASURES: None required.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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XV. UTILITIES AND SERVICE SYSTEMS - Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,15
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,21
c) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,17
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,22
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,21
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,21
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,21

FINDINGS: The proposed project would not require construction of new facilities for wastewater treatment, storm drainage, water, or waste disposal because the subject site is located within the City of San Jose Urban Service Area where such facilities exist, and have the capacity to serve the proposed project.

MITIGATION MEASURES: None required.

XVI. MANDATORY FINDINGS OF SIGNIFICANCE

a) Does the project have the potential to (1) degrade the quality of the environment, (2) substantially reduce the habitat of a fish or wildlife species, (3) cause a fish or wildlife population to drop below self-sustaining levels, (4) threaten to eliminate a plant or animal community, (5) reduce the number or restrict the range of a rare or endangered plant or animal, or (6) eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,10
b) Does the project have impacts that are individually limited, but cumulatively considerable? "Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects and the effects of other current projects.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,16
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1

FINDINGS:

As discussed in the previous sections, the proposed project could potentially have significant environmental effects with respect to Noise and Hazards and Hazardous Materials. With the above noted mitigation, however, the impacts of the proposed project would be reduced to a less than significant level. The project would not have a cumulatively considerable impact to Transportation because the TIA concluded the project would not have a significant transportation impact, and no mitigation is required.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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MITIGATION MEASURES:

Air Quality

The developer shall implement the following construction practices during all phases of excavation and construction for the proposed project.

- Water all active construction areas at least twice daily or as often as needed to control dust emissions.
- Cover all trucks hauling soil, sand, and other loose materials and ensure that all trucks hauling such materials maintain at least two feet of freeboard.
- Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all excavation areas, unpaved access roads, parking areas and staging areas at construction sites.
- Sweep daily or as often as needed with water sweepers all paved access roads, parking areas and staging areas at construction sites to control dust.
- Sweep public streets daily, or as often as needed, with water sweepers, to keep streets free of visible soil material.
- Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
- Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.) sufficient to prevent visible airborne dust.
- Limit traffic speeds on unpaved roads to 15 mph.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Replant vegetation in disturbed areas as quickly as possible.

Hazards and Hazardous Materials

- Prior to the issuance of a Planned Development Permit, the applicant shall submit a Final Remedial Action Workplan for the subject site including (1) a soil and groundwater investigation of west side of the tracks, and (2) a Health Risk Assessment to the satisfaction of the Director of Planning, Building and Code Enforcement.

Hydrology and Water Quality

- Prior to the issuance of a grading permit, the applicant must submit a Notice of Intent to the State Water Resources Control Board and prepare a Storm Water Pollution Prevention Plan (SWPPP) for controlling storm water discharges associated with construction activity to the satisfaction of the Director of Public Works.
- Prior to the issuance of a Planned Development Permit, the applicant must provide details of specific best management practices (BMPs) including, but not limited to, bioswales, disconnected downspouts, landscaping to reduce impervious surface area, and inlets stenciled, “No dumping – Flows to Bay” to the satisfaction of the Director of Planning, Building and Code Enforcement.

Noise

- Prior to issuance of building permits, the developer shall retain a qualified acoustical consultant to check the building plans for all units will to ensure that interior noise levels can be sufficiently attenuated to 45 dBA to the satisfaction of the Director of Planning, Building and Code Enforcement.
- All units shall have forced-air ventilation systems to allow the windows to remain closed so that an interior noise level of 45dBA can be achieved.
- Construction activities shall be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any on-site or off-site work within 500 feet of any residential unit.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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- The contractor shall use “new technology” power construction equipment with state-of-the-art noise shielding and muffling devices. All internal combustion engines used on the project site shall be equipped with adequate mufflers and shall be in good mechanical condition to minimize noise created by faulty or poor maintained engines or other components.
- Staging areas shall be located a minimum of 200 feet from noise sensitive receptors, such as residential uses.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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CHECKLIST REFERENCES

1. Environmental Clearance Application – File No. PDC03-098
2. San Jose 2020 General Plan
3. USDA, Soil Conservation Service, Soil Survey of SC County, August 1968
4. USDA, Soil Conservation Service, Important Farmlands of SC County map, June 1979
5. State of California's Geo-Hazard maps / Alquist Priolo Fault maps
6. Riparian Corridor Policy Study 1994
7. San Jose Historic Resources Inventory
8. City of San Jose Archeological Sensitivity Maps
9. FEMA Flood Insurance Rate Map, Santa Clara County, 1986
10. California Department of Fish & Game, California Natural Diversity Database, 2001
11. City of San Jose Heritage Tree Survey Report
12. California Environmental Protection Agency Hazardous Waste and Substances Sites List, 1998
13. City of San Jose Noise Exposure Map for the 2020 General Plan
14. BAAQMD CEQA Guidelines, Bay Area Air Quality Management District. April 1996, revised 1999.
15. San Francisco Bay Regional Water Quality Control Board 1995 Basin Plan
16. Final Environmental Impact Report, City of San Jose, SJ 2020 General Plan
17. Santa Clara Valley Water District
18. City of San Jose Title 20 Zoning Ordinance
19. San Jose Department of Public Works
20. San Jose Fire Department
21. San Jose Environmental Services Department
22. San Jose Water Company, Great Oaks Water Company
23. California Division of Mines and Geology
24. Cooper Clark, San Jose Geotechnical Information Maps, July 1974
25. Archaeological Evaluation Report, Parcels Near E. William Street and McLaughlin Avenue; APNs 472-01-040 and 041, City of San Jose, Santa Clara County, California by Basin Research Associates, 1933 Davis Street, Suite 210, San Leandro, CA 94577, May 2004
26. East William Street (PDC03-098) Tree Survey Exhibit, by HMM Engineers for KB Home, 6700 Koll Center Parkway, #200, Pleasanton, CA 94566
27. East Williams Street Site Environmental Noise Study, CSA Project No. 04-0115, HMM Project No. 3010-01 by Charles M. Salter Associates, Inc., 130 Sutter Street, San Francisco, CA 94104, April 20, 2004.

<i>Issues</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant With Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>	<i>Information Sources</i>
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28. Phase I Environmental Site Assessment and Soil and Groundwater Quality Evaluation, Union Pacific Railroad Company, William Street Yard, San Jose, California by Lowney Associates, June, 2003
29. Draft Remedial Action Workplan, Union Pacific Railroad, Former William Street Yard, San Jose, CA, Project No. 41-0459-01, Prepared for KB Home, by Kristi Korst, Project Engineer and Mohammed Bazargini, P. E., Principal, TRC, 1590 Solano Way, Concord, CA 94520, (925) 688-1200, October, 2004.
30. Residential Design Guidelines
31. William Street Residential Development Draft Transportation Impact Analysis, prepared for HMM Engineers, prepared by Hexagon Transportation Consultants, Inc., October, 2004.